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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,587	08/06/2003	David Louis kaminsky	RSW920030115US1 (108)	1392
46320 7590 12/05/2007 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487				
EXAMINER				
NAJEE-ULLAH, TARIQ S				
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4121				
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12/05/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/635,587

Applicant(s)

KAMINSKY ET AL.

Examiner

Tariq S. Najee-ullah

Art Unit

4121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-850)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 08/06/2003

DETAILED ACTION

This is the first Office action in response to Application 10/635,587 filed on August 6, 2003. Claims 1-20 have been examined and are pending.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on August 6, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Number 6,167,445 to Gai et al ('Gai' hereinafter). Examiner interprets "stimuli" and "response" in light of the applicant's disclosure (pg. 9, par. [0018]).

Regarding claim 1, Gai discloses **a system for autonomically assisting in the creation of an administrative policy comprising: a systems administration component coupled to a system under study** (Column 9, lines 51-55; Gai discloses the present invention provides a method and apparatus for allowing network administrators, i.e. systems administrators, to apply high-level traffic management policies, i.e. administrative policy, that attempt to impose such a uniform plan, despite the presence of dissimilar intermediate devices in their networks, i.e. system understudy.); **a workflow component configured for communicative linkage to a plurality of policy makers, said workflow component comprising a further configuration for routing stimuli and response data from said system under study to a selected one of said policy makers** (Abstract, see also col. 5, line 64-col. 6, line 2; Gai discloses a computer network, i.e. systems under study, having multiple, dissimilar network devices includes a system for implementing high-level, network policies. The high-level policies, i.e. stimuli and response, which are generally device-independent, are translated by one or more policy servers, i.e. policy makers, into a set of rules that can be put into effect by specific network devices.); **and, a policy generation component**

coupled to said workflow component and configured to generate an administrative policy for administering said system under study based upon data collected from said selected one of said policy makers for said stimuli and response data (Abstract, see also col. 6, lines 12-17; Gai further discloses policy server, i.e. policy maker, translates the high-level policies, i.e. stimuli and response, inherent in the selected traffic template and location-specific policies into a set of rules, which may include one or more access control lists, and may combine several related rules into a single transaction.).

Regarding claim 2, Gai discloses **the system of claim 1, further comprising a data store of stimuli and responses in said system under study** (Fig. 4; Col. 14, line 57-62; Gai further discloses policy tables may be stored by the policy translator at its storage devices numbered 412a-412c in figure 4. It should be further understood that the policy generator may also generate and store additional data structures in response.).

Regarding claim 3, Gai discloses **a method for autonomically assisting in the creation of an administrative policy comprising: detecting a stimuli in a system under study and monitoring a response by a systems administrator to said stimuli** (Column 9, lines 51-55; Gai discloses the present invention provides a

method and apparatus for allowing network administrators, i.e. systems administrators, to apply high-level traffic management policies that attempt to impose such a uniform plan, despite the presence of dissimilar intermediate devices in their networks. Col. 12, lines 1-5; The traffic types for a given template are preferably derived from empirical studies and analysis of the computer network operations and usages of such industries and organizations.); **forwarding said stimuli and said response to a policy maker suited to analyze said stimuli and said response** (Col. 9, lines 55-57; Gai discloses the traffic management policies, moreover, may be automatically propagated to and implemented by the various intermediate devices.); **querying said policy maker for a preferred response to said stimuli** (Col. 7, lines 10-19; Gai discloses in the preferred embodiment, the policy servers and intermediate devices utilize an extension to the Common Open Policy Service (COPS) protocol to exchange messages. More specifically, an intermediate device sends a Query Configuration message to, i.e. queries, the policy server that contains specific information about itself, such as the number and type of interfaces, whether the device is at a boundary of the intermediate domain and/or whether its interfaces are coupled to trusted or un-trusted devices.); **and, formulating a policy for**

responding to said stimuli based upon said preferred response (Col. 7, lines 21-24; Gai discloses the policy server selects a particular set of transactions or rules, i.e. formulates a policy, responsive to the device-specific information and provides them to the intermediate device.).

Regarding claim 4, Gai discloses **the method of claim 3, further comprising the step of enforcing said policy in managing said system under study** (Col. 4, lines 62-64; Traffic entering the service provider's network is monitored (i.e., "policed" or enforced) to ensure that it complies with the relevant traffic specifiers and is thus "in-profile").

Regarding claim 5, Gai discloses **the method of claim 3, further comprising the step of forwarding said policy to said systems administrator** (Col. 12, lines 6-11; Policy information is viewable by the administrator via the graphical user interface. The administrator can monitor or make changes to the policy information from this window.).

Regarding claim 6, Gai discloses **the method of claim 3, further comprising the step of storing said stimuli and response in a data store for subsequent analysis** (Fig. 4; Col. 14, line 57-62; Gai further discloses policy tables may be stored by the policy

translator at its storage devices numbered 412a-412c in figure 4. It should be further understood that the policy generator may also generate and store additional data structures in response.).

Regarding claim 7, Gai discloses **the method of claim 3, further comprising the steps of: monitoring the performance of said system under study in respect to said policy** (Col. 12, lines 6-11; Policy information is viewable by the administrator via the graphical user interface. The administrator can monitor or make changes to the policy information from this window.); **and, reporting said monitored performance to at least one of said systems administrator and said policy maker** (Col. 12, lines 6-11; Policy information is viewable by the administrator via the graphical user interface. The administrator can monitor or make changes to the policy information from this window.).

Regarding claim 8, Gai discloses **the method of claim 3, where said forwarding step comprises the steps of: identifying a policy maker among a plurality of policy makers, said identified policy maker having an association with at least one of said system under study, said stimuli and said response** (Abstract, see also col. 5, line 64- col. 6, line 2; Gai discloses a computer network, i.e. systems under study, having multiple, dissimilar network devices

includes a system for implementing high-level, network policies. The high-level policies, i.e. stimuli and response, which are generally device-independent, are translated by one or more policy servers, i.e. policy makers, into a set of rules that can be put into effect by specific network devices.); **and, routing said stimuli and response to said identified policy maker** (Abstract, see also col. 6, lines 12-17; Gai further discloses policy server, i.e. policy maker, translates the high-level policies, i.e. stimuli and response, inherent in the selected traffic template and location-specific policies into a set of rules, which may include one or more access control lists, and may combine several related rules into a single transaction.).

Regarding claim 9, Gai discloses **the method of claim 3, where said forwarding step comprises the steps of: identifying a policy maker among a plurality of policy makers** (Abstract, see also col. 5, line 64-col. 6, line 2; Gai discloses a computer network, i.e. systems under study, having multiple, dissimilar network devices includes a system for implementing high-level, network policies. The high-level policies, i.e. stimuli and response, which are generally device-independent, are translated by one or more policy servers, i.e. policy makers, into a set of rules that can be put into effect by specific network devices.), **said identified**

policy maker having knowledge of another policy maker among said plurality of policy makers (Abstract, see also col. 5, line 64-col. 6, line 2; Gai discloses a computer network, i.e. systems under study, having multiple, dissimilar network devices includes a system for implementing high-level, network policies. The high-level policies, i.e. stimuli and response, which are generally device-independent, are translated by one or more policy servers, i.e. policy makers, into a set of rules that can be put into effect by specific network devices.), **said another policy maker having an association with at least one of said system under study** (Abstract, see also col. 5, line 64-col. 6, line 2; Gai discloses a computer network, i.e. systems under study, having multiple, dissimilar network devices includes a system for implementing high-level, network policies. The high-level policies, i.e. stimuli and response, which are generally device-independent, are translated by one or more policy servers, i.e. policy makers, into a set of rules that can be put into effect by specific network devices.), **said stimuli and said response** (Abstract, see also col. 5, line 66; Gai discloses the high-level policies, i.e. stimuli and response.); **and, routing said stimuli and response to said identified policy maker, said identified policy maker further routing said stimuli and response to said**

another policy maker (Abstract, see also col. 6, lines 12-17; Gai further discloses policy server, i.e. policy maker, translates the high-level policies, i.e. stimuli and response, inherent in the selected traffic template and location-specific policies into a set of rules, which may include one or more access control lists, and may combine several related rules into a single transaction.).

Regarding claim 10, Gai discloses **the method of claim 3, wherein said querying step further comprises the step of querying said policy maker for at least one of an identity of a related stimuli, an identity of a related response, and an identity of a related system to which said policy can apply** (Col. 7, lines 10-19; Gai discloses in the preferred embodiment, the policy servers and intermediate devices utilize an extension to the Common Open Policy Service (COPS) protocol to exchange messages. More specifically, an intermediate device sends a Query Configuration message to, i.e. queries, the policy server that contains specific information about itself, such as the number and type of interfaces, whether the device is at a boundary of the intermediate domain and/or whether its interfaces are coupled to trusted or un-trusted devices.).

Regarding claim 11, Gai discloses **the method of claim 10, wherein the formulating step further comprises formulating said policy additionally based upon said at least one of said identity of said related stimuli, said identity of said related response, and said identity of said related system to which said policy can apply** (Col. 7, lines 21-24; Gai discloses the policy server selects a particular set of transactions or rules, i.e. formulates a policy, responsive to the device-specific information and provides them to the intermediate device.).

Regarding claim 12, Gai discloses **a machine readable storage having stored thereon a computer program for autonomically assisting in the creation of an administrative policy, the computer program comprising a routine set of instructions for causing the machine to perform the steps of** (Col. 9, lines 4-7; Gai discloses elements of this embodiment further comprise programmable processing elements, which may contain software programs pertaining to the methods described herein. Other computer readable media may also be used to store the program instructions.): **detecting a stimuli in a system under study and monitoring a response by a systems administrator to said stimuli** (Column 9, lines 51-55; Gai discloses the present invention provides a method and apparatus for allowing network

administrators, i.e. systems administrators, to apply high-level traffic management policies that attempt to impose such a uniform plan, despite the presence of dissimilar intermediate devices in their networks. Col. 12, lines 1-5; The traffic types for a given template are preferably derived from empirical studies and analysis of the computer network operations and usages of such industries and organizations.); **forwarding said stimuli and said response to a policy maker suited to analyze said stimuli and said response** (Col. 9, lines 55-57; Gai discloses the traffic management policies, moreover, may be automatically propagated to and implemented by the various intermediate devices.); **querying said policy maker for a preferred response to said stimuli** (Col. 7, lines 10-19; Gai discloses in the preferred embodiment, the policy servers and intermediate devices utilize an extension to the Common Open Policy Service (COPS) protocol to exchange messages. More specifically, an intermediate device sends a Query Configuration message to, i.e. queries, the policy server that contains specific information about itself, such as the number and type of interfaces, whether the device is at a boundary of the intermediate domain and/or whether its interfaces are coupled to trusted or un-trusted devices.); **and, formulating a policy for responding to said stimuli based upon said**

preferred response (Col. 7, lines 21-24; Gai discloses the policy server selects a particular set of transactions or rules, i.e. formulates a policy, responsive to the device-specific information and provides them to the intermediate device.).

Regarding claim 13, Gai discloses **the machine readable storage of claim 12, further comprising the step of enforcing said policy in managing said system under study** (Col. 4, lines 62-64; Traffic entering the service provider's network is monitored (i.e., "policed" or enforced) to ensure that it complies with the relevant traffic specifiers and is thus "in-profile").

Regarding claim 14, Gai discloses **the machine readable storage of claim 12, further comprising the step of forwarding said policy to said systems administrator** (Col. 12, lines 6-11; Policy information is viewable by the administrator via the graphical user interface. The administrator can monitor or make changes to the policy information from this window.).

Regarding claim 15, Gai discloses **the machine readable storage of claim 12, further comprising the step of storing said stimuli and response in a data store for subsequent analysis** (Fig. 4; Col. 14, line 57-62; Gai further discloses policy tables may be stored by the policy translator at its storage devices numbered 412a-412c

in figure 4. It should be further understood that the policy generator may also generate and store additional data structures in response.).

Regarding claim 16, Gai discloses **the machine readable storage of claim 12, further comprising the steps of: monitoring the performance of said system under study in respect to said policy**

(Col. 12, lines 6-11; Policy information is viewable by the administrator via the graphical user interface. The administrator can monitor or make changes to the policy information from this window.); **and, reporting said monitored performance to at least one of said systems administrator and said policy maker** (Col. 12, lines 6-11; Policy information is viewable by the administrator via the graphical user interface. The administrator can monitor or make changes to the policy information from this window.).

Regarding claim 17, Gai discloses **the machine readable storage of claim 12, where said forwarding step comprises the steps of: identifying a policy maker among a plurality of policy makers, said identified policy maker having an association with at least one of said system under study, said stimuli and said response** (Abstract, see also col. 5, line 64-col. 6, line 2; Gai discloses a computer network, i.e. systems under study, having multiple,

dissimilar network devices includes a system for implementing high-level, network policies. The high-level policies, i.e. stimuli and response, which are generally device-independent, are translated by one or more policy servers, i.e. policy makers, into a set of rules that can be put into effect by specific network devices.); **and, routing said stimuli and response to said identified policy maker** (Abstract, see also col. 6, line 12-17; Gai further discloses policy server, i.e. policy maker, translates the high-level policies, i.e. stimuli and response, inherent in the selected traffic template and location-specific policies into a set of rules, which may include one or more access control lists, and may combine several related rules into a single transaction.).

Regarding claim 18, Gai discloses **the machine readable storage of claim 12, where said forwarding step comprises the steps of: identifying a policy maker among a plurality of policy makers**

(Abstract, see also col. 5, line 64-col. 6, line 2; Gai discloses a computer network, i.e. systems under study, having multiple, dissimilar network devices includes a system for implementing high-level, network policies. The high-level policies, i.e. stimuli and response, which are generally device-independent, are translated by one or more policy servers, i.e.

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policy makers, into a set of rules that can be put into effect by specific network devices.), **said identified policy maker having knowledge of another policy maker among said plurality of policy makers** (Abstract, see also col. 5, line 64-col. 6, line 2; Gai discloses a computer network, i.e. systems under study, having multiple, dissimilar network devices includes a system for implementing high-level, network policies. The high-level policies, i.e. stimuli and response, which are generally device-independent, are translated by one or more policy servers, i.e. policy makers, into a set of rules that can be put into effect by specific network devices.), **said another policy maker having an association with at least one of said system under study** (Abstract, see also col. 5, line 64-col. 6, line 2; Gai discloses a computer network, i.e. systems under study, having multiple, dissimilar network devices includes a system for implementing high-level, network policies. The high-level policies, i.e. stimuli and response, which are generally device-independent, are translated by one or more policy servers, i.e. policy makers, into a set of rules that can be put into effect by specific network devices.), **said stimuli and said response** (Abstract, see also col. 5, line 66; Gai discloses the high-level policies, i.e. stimuli and response.); **and, routing said**

stimuli and response to said identified policy maker, said identified policy maker further routing said stimuli and response to said another policy maker (Abstract, see also col. 6, lines 12-17; Gai further discloses policy server, i.e. policy maker, translates the high-level policies, i.e. stimuli and response, inherent in the selected traffic template and location-specific policies into a set of rules, which may include one or more access control lists, and may combine several related rules into a single transaction.).

Regarding claim 19, Gai discloses **the machine readable storage of claim 12, wherein said querying step further comprises the step of querying said policy maker for at least one of an identity of a related stimuli, an identity of a related response, and an identity of a related system to which said policy can apply** (Col. 7, lines 10-19; Gai discloses in the preferred embodiment, the policy servers and intermediate devices utilize an extension to the Common Open Policy Service (COPS) protocol to exchange messages. More specifically, an intermediate device sends a Query Configuration message to, i.e. queries, the policy server that contains specific information about itself, such as the number and type of interfaces, whether the device is at a boundary of the

intermediate domain and/or whether its interfaces are coupled to trusted or un-trusted devices.).

Regarding claim 20, Gai discloses **the machine readable storage of claim 19, wherein the formulating step further comprises formulating said policy additionally based upon said at least one of said identity of said related stimuli, said identity of said related response, and said identity of said related system to which said policy can apply** (Col. 7, lines 21-24; Gai discloses the policy server selects a particular set of transactions or rules, i.e. formulates a policy, responsive to the device-specific information and provides them to the intermediate device.).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent Number 5,889,953 to Thebaut et al titled "Policy Management and Conflict Resolution in Computer Networks."
- US Patent Number 6,412,000 to Riddle et al titled "Method for Automatically Classifying Traffic in a Packet Communications Network."
- US Patent Number 6,484,261 to Wiegel titled "Graphical Network Security Policy Management."

- US Patent Publication Number 2003/0041131 to Westerinen et al titled "System and Method to Automate the Management of Computer Services and Programmable Devices."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tariq S. Najee-ullah whose telephone number is (571) 270-5013. The examiner can normally be reached on Monday through Friday 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T. Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TN
/Taghi T. Arani/
Supervisory Patent Examiner, Art Unit 4121
12/4/2007